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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,233	12/04/2003	Dennis Lawrence Nicholson	21765-2	7486
7590 03/09/2009				
John S. Beulick Armstrong Teasdale LLP One Metropolitan Square, Suite 2600 St. Louis, MO 63102			EXAMINER LU, JIPING	
			ART UNIT 3743	PAPER NUMBER
			MAIL DATE 03/09/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/728,233

**Applicant(s)**NICHOLSON, DENNIS  
LAWRENCE**Examiner**

Jiping Lu

**Art Unit**

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-7,9,10 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9-10,12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/13/09 has been entered.

***Claim Status***

2. Claims 1-3, 5-7, 9-10, 12-15 are now in the case. Claims 4, 8, 11 and 16-17 have been cancelled.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-3, 5-7, 9-10, 12-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed "said body inner surface is coupled against said body outer

surface” in claims 1, 7, 13 and the claimed “third fastening mechanism” in claim 3 are new matters which are not supported by the originally filed specification. The originally filed specification does not disclose that the body inner surface is coupled against the body outer surface. With regard to claim 3, the originally filed specification only discloses two fastening mechanism, i.e. first fastening mechanism 64 that enables glove drying body system 14 to be secured to golf cart 12 and second fastening mechanism 70 that enables glove 10 to couple to the glove drying body system 14.

*Claim Rejections - 35 USC § 102*

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 7, 9-10, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Unverzagt (U. S. Pat. 6,471,091).

Unverzagt shows a golf glove drying apparatus 24 for use with a frame support having a longitudinal axis extending therethrough comprising a first end (not numbered, see Fig. 1, near arrow 38), an opposing second end (not numbered, near arrow 10), and a body 24 extending from said first end to said second end, said body comprises an inner surface 32 and an opposing outer surface 34, said body 24 is configured to couple to the frame support such that a central axis of said apparatus extends from said first end to said second end and such that said body is aligned substantially concentrically with and surrounds the support, said central axis is substantially coaxial with the frame longitudinal axis when said body substantially conforms to an external surface of the support and when said apparatus 24 is coupled to said support, said

body inner surface 32 comprises at least one first hook and loop fastening mechanism 36 for coupling said body 24 to the support, said body outer surface comprises at least one second hook and loop fastening mechanism 38 for removably coupling a golf glove directly against said body 24 such that the glove remains coupled in a mating arrangement against said outer surface when said apparatus is coupled to the support and such that said body inner surface is coupled against said body outer surface, said at least one second fastening mechanism 38 extending between said first end and said second end. As for the limitations, "A golf glove drying apparatus for use with a frame support having a longitudinal axis extending therethrough" in lines 1-2 of claim 7, "said body is configured to couple to the frame support such that .... when said apparatus is coupled to said support" in lines 4-9 of claim 7, "... for coupling said body to the support" in line 10 of claim 7, "...for removably coupling a golf glove... when said apparatus is coupled to the support" in lines 11-13 of claim 7, they are viewed as functional or intended use limitations. As MPEP 2114 states, "[a] claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim". In this case, the limitations above do not add any structural limitations to the claim and Unverzagt discloses all the structural limitations. Additionally while not disclosed, the apparatus 24 of Unverzagt is capable of being used for use with a frame support having a longitudinal axis extending therethrough for drying golf glove and to perform above claimed functions.

***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
8. Claims 1-2, 5-7, 9-10, 12-15 are rejected under 35 U.S.C. 103(a) as obvious over Jacobson (U. S. Pat. 6,499,227) in view of Unverzagt (U. S. Pat. 6,471,091).

Jacobson shows a golf cart 15 comprising a golf cart frame support 20 having at least one external surface and defining a longitudinal axis and an apparatus 10 for coupling a glove 80 to said support 20 which are arranged same as claimed. The apparatus 10 comprises a first end (top end at 34), an opposing end (bottom, below 34) and a body 35 extends between the first end and the second end. The body 35 comprises an inner surface and an opposite outer surface (see Figs. 3C-3E). The body 35 is coupled to the support 20 such that a central axis of the body extends from the first end to the second and such that the body is substantially concentrically aligned with and surrounds the support 20. The central axis is substantially coaxial with the longitudinal axis when the body substantially conforms to the at least one external surface of the support 20. When the apparatus 10 is coupled to the support 20, the body comprises at least one first fastening mechanism 70 for coupling the body 10 to the support 20. The body outer surface comprises at least one second fastening mechanism 40 for removably coupling the glove 80. However, Jacobson does not show the body inner surface is coupled against the body outer surface and the second fastening mechanism extending between the first end and the second end. Unverzagt shows a golf glove drying apparatus 24 that is capable of being used with a frame support having a longitudinal axis extending therethrough comprising a first end (not numbered, see Fig. 1, near arrow 38), an opposing second end (not numbered, near arrow 10), and a body 24

extending from said first end to said second end. Said body comprises an inner surface 32 and an opposing outer surface 34. Said body 24 is configured to be capable of being used for coupling to the frame support such that a central axis of said apparatus extends from said first end to said second end and such that said body is aligned substantially concentrically with and surrounds the support and said central axis is substantially coaxial with the frame longitudinal axis when said body substantially conforms to an external surface of the support. When said apparatus 24 is coupled to the support, said body inner surface 32 comprises at least one first hook and loop fastening mechanism 36 for coupling said body 24 to the support, said body outer surface comprises at least one second hook and loop fastening mechanism 38 which is capable of being used for removably coupling a golf glove directly against said body 24 such that the glove remains coupled in a mating arrangement against said outer surface when said apparatus is coupled to the support and such that said body inner surface is coupled against said body outer surface. Said at least one second fastening mechanism 38 extends between said first end and said second end. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the apparatus 10 of Unverzagt for the glove coupling apparatus 10 of Jacobson in order to facilitate coupling/removing drying apparatus to/from the golf cart. The claims would have been obvious because the substitution of one known element for another would have yielded predictable results to one ordinary skilled in the art at the time of invention. (See KSR International Co. v. Teleflex, Inc. 82 USPQ 2d 1385 (2007).

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson (U. S. Pat. 6,499,227) in view of Unverzagt (U. S. Pat. 6,471,091) as applied to claim 1 above, and further in view of Hill (U. S. Pat. 4,755,177).

The golf cart of Jacobson as modified by Unverzagt as above includes all that is recited in claim 3 except for the drying apparatus having a third fastening mechanism to secure the body inner surface against the support. Hill teaches an apparatus 20 having a first end and a second end and a body extending from the first end to the second end (see Fig. 5). The body comprises an inner surface and an opposite outer surface. The body inner surface comprises at least one fastening mechanism 52 for coupling the body to a support 21 and at least one fastening mechanism 51, 53 for securing the body inner surface against the support 21. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the golf cart of Jacobson to substitute the fastening mechanisms 51-54 of Hill for the fastening mechanism 36 of Unverzagt in order to obtain a predictable fastening result. The claims would have been obvious because the substitution of one known element for another would have yielded predictable results to one ordinary skilled in the art at the time of invention. (See KSR International Co. v. Teleflex, Inc. 82 USPQ 2d 1385 (2007).

### ***Response to Arguments***

10. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Finney (U. S. Pat. 3,368,811) and Osborn (U. S. Pat. 3,508,280) disclose an apparatus having fastening mechanism for coupling golf glove.



12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KENNETH RINEHART can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jiping Lu/  
Primary Examiner  
Art Unit 3743

J. L.